



## **TOWN OF LOS GATOS**

### **PLANNING COMMISSION MEETING ACTION MINUTES**

**TOWN COUNCIL CHAMBERS  
110 E. MAIN STREET**

**WEDNESDAY, OCTOBER 26, 2005 -- 7:00 P.M.**

Please refer to compact disk # 10-26-05 to hear the entire proceedings of this meeting.

#### **ROLL CALL:**

Present: Michael Burke, Chair; Phil Micciche, Vice Chair; John Bourgeois, D. Michael Kane, Thomas O'Donnell, Lee Quintana and Joanne Talesfore

Absent: None

Others: Assistant Community Development Director Randy Tsuda, Rachel Peled, Assistant Planner, Associate Civil Engineer Fletcher Parsons and Town Attorney Orry Korb

#### **VERBAL COMMUNICATION**

Ray Davis Commented on Code of Conduct as adopted by the Town Council.

#### **APPROVAL OF MINUTES**

October 12, 2005 - Motion by Commissioner Micciche and seconded by Commissioner Talesfore to approve meeting minutes. Passed unanimously.

#### **CONSENT CALENDAR - NONE**

#### **CONTINUED PUBLIC HEARING**

ITEM 1 **16750 Farley Road**  
Architecture and Site Application S-05-063

Requesting approval of a second story addition on property zoned R-1:8. APN 529-15-097.

PROPERTY OWNER: Glen and Melissa Wagner

APPLICANT: David Britt

*(Continued from June 8, July 13 and August 24, 2005)*

PUBLIC TESTIMONY by David Britt, Melissa Wagner, Glen Wagner and Bill Shellooe,

**MOTION:** Motion by Commissioner Micciche and seconded by Commissioner O'Donnell to approve Architecture and Site Application S-05-063. The required findings were made as noted in Exhibit N of report dated October 19, 2005 and the application incorporated conditions as noted in Exhibit O of report dated October 19, 2005.

Motion carried 4 - 3 with Commissioners Talesfore and Kane dissenting. Commissioner Quintana did not support the motion for the following reasons: 1) revised design does not meet the direction of the Commission as the visual mass still blocks out view and light 2) does not feel the design is compatible with the neighborhood, i.e., only two other houses in the neighborhood with small sideyard setbacks and two large homes have gabled sides facings neighbors for greater views while this design creates a change in mass and scale between the existing houses on the street, 3) consulting architect said project is best it can be and doesn't explain what changes could take place and, 4) concerns regarding the definition of area suitable for living space.

*Appeal rights recited by Mr. Korb.*

### **NEW PUBLIC HEARINGS**

**ITEM 2      25 N. Santa Cruz Avenue**  
Conditional Use Permit U-06-006

Requesting approval to operate a formula retail store (American Apparel) on property zoned C-2. APN 510-44-034.

PROPERTY OWNER: Santa Cruz Real, LLC

APPLICANT: Tacee Webb

PUBLIC TESTIMONY by Tacee Webb, Larry Arzie, Kurt Lemons, Ginger Rowe, Jennifer McRay, Adrienne Kerwin, Susan Testa and Mike Johnson.

Due to the failure of the public hearing notice to adequately notice all adjacent landlords, business owners and occupants, the item will be publicly heard on November 9, 2005.

**ITEM 3      368 Village Lane**  
Conditional Use Permit U-06-003

Requesting approval to modify an existing Conditional Use Permit Application to expand from beer and wine to full liquor service (Café Marcella) on property zoned C-2. APN 529-04-053.

PROPERTY OWNER: The Walter B. Franck Support Trust

APPLICANT: Café Marcella, Inc.

PUBLIC TESTIMONY by Alain Staebler, Dean Devincenzo and Jason Farwell.

**MOTION:** Motion by Commissioner Kane and seconded by Commissioner Talesfore to recommend Conditional Use Permit U-06-003 be forwarded to Town Council for final consideration.

Motion carried 7-0.

*This is a recommendation only and will be heard by Town Council in the near future.*

By consensus the Commission forwarded a recommendation to Town Council that a streamlined process be developed to review applications for full liquor service from existing restaurants that currently serve beer and wine.

### **CONTINUED OTHER BUSINESS - NONE**

### **NEW OTHER BUSINESS**

#### **Sub-Committee Reports**

General Plan Committee - Commissioner O'Donnell commented on discussion of the Residential Design Guidelines and several new walking tours of Town neighborhoods.

Historic Preservation Committee - no meeting until November 2, 2005.

#### **Report from Director of Community Development - None**

#### **Commissioner Matters**

The next Commission meeting has some important issues to be heard. Provide staff with any questions which need to be answered so that no items from this agenda will need to be continued. Further comments on the need to make the right decision and be heard in a timely manner without continuing any of these items.

Commissioner Quintana questions order of items for the agenda on November 9<sup>th</sup> and when 25 N. Santa Cruz Avenue (American Apparel) will be heard. Mr. Tsuda comments this item will be a Continued Public Hearing - Item #1. Further discussion by Commission on the upcoming agenda, i.e., the placement and the time of the public hearing for this application will be re-ordered for this hearing to accommodate testimony by the applicant, business owners and others. Meeting will start at 6:00 p.m.

Commissioner Micciche commented on extending Chair Burke's term as chair, however, appointments have not yet been made. Appointments for Chair and Vice Chair will be agendized when appointments are made by Town Council.

### **ADJOURNMENT**

Chair Burke adjourned the meeting at approximately 9:15 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION  
October 26, 2005

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Michael Burke, Chair

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APPROVED AS TO FORM AND ATTEST:

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Randy Tsuda  
Assistant Director of Community  
Development

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Bud N. Lortz  
Director of Community Development

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